

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN H. PEREZ,

Plaintiff,

-against-

GEE VEE TRUCKING, INC., and JOHAN
A. BONILLA-GOMEZ,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/8/2020

1:20-cv-00691 (MKV)

ORDER OF
DISMISSAL

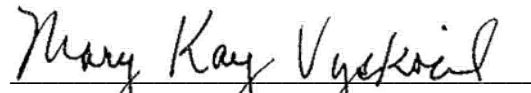
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on January 24, 2020 [ECF #1]. An affidavit of service was filed on the docket on May 15, 2020, reflecting that service occurred on April 28 [ECF #9]. No response to the Complaint has been filed, and Plaintiff otherwise has not prosecuted this case to date. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **October 9, 2020**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: September 8, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge